

**REMARKS**

Claims 1-3 and 5-10 are pending in this application. By this Amendment, claims 1-3 and 5-10 are amended, and claim 4 is canceled without prejudice to, or disclaimer of the subject matter recited herein. The claims have been amended for clarity and to correct minor informalities. The amendments to claims 1, 3, 5 and 8 are supported in the application as originally filed in at least paragraph [0061], for example. The amendments to claims 8-10 are supported in at least paragraph [0051], for example. No new matter is added.

The courtesies extended to Applicants' representative by Examiner Nguyen at the telephone interview held September 26, 2007 are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

In view of at least the following remarks, reconsideration and allowance are respectfully requested.

**I. Objections to the Claims**

The Office Action objects to claims 1, 3-5, 8 and 9 as containing the acronym "NCU." These claims have been amended to recite a Network Control Unit. Accordingly, the objections are believed obviated by the above amendments.

**II. Rejections Under 35 U.S.C. §101**

The Office Action rejects claims 8-10 under 35 U.S.C. §101 as being directed to non-statutory subject matter. This rejection is respectfully traversed.

Responsive to the Examiner's suggestion, claims 8-10 have been amended to recite a computer-readable medium, which contains a computer program, as recited in the respective claims. Accordingly, the §101 rejection is believed to be obviated by the above amendments.

### III. Rejections Under 35 U.S.C. §103

The Office Action rejects claims 1-10 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,953,322 to Kimball ("Kimball") in view of U.S. Patent No. 5,805,587 to Norris et al. ("Norris"). This rejection is respectfully traversed.

As discussed in the interview, the combination of Kimball and Norris does not support a *prima facie* case of obviousness because the references fail to suggest, either alone or in combination, at least a telephone terminal which includes a telephone call notification device for notifying reception of an incoming call from a telephone network when "the output destination and the input source of audio signals have been switched to the audio input/output path by the switch device," as recited in claim 1. The Office Action cites Norris as allegedly disclosing a telephone call notification device and asserts that it would be obvious to incorporate the teachings of Norris into the teachings of Kimball "for the purpose of alerting a telephone subscriber that a call is coming when the subscriber's line is connected to the Internet, as discussed by Norris."

As discussed in the interview, Norris fails to disclose or suggest the claimed subject matter because it does not relate to a telephone terminal, which includes a call notification device, as required in claim 1. Norris relates to a system for notifying a user who is connected to the Internet that a telephone call is incoming. However, as is evident in Norris at, for example, col. 1, lines 41-45, any alleged notification feature referred to in Norris is not part of the telephone terminal and instead is routed through the Internet to presumably notify the user at the Internet terminal. See, also, Abstract of Norris. In this regard, Norris relates to a situation where only the computer and telephone share a connection, such that when a user is on the Internet the telephone is not connected. See, e.g., Norris at col. 1, lines 13-35. Indeed, in the setup contemplated by Norris, the telephone terminal would have no way of knowing whether a telephone call was incoming, because the telephone terminal would be

disconnected from the telephone network. Thus, the combination of Norris and Kimball does not allow a telephone that can notify a user that is engaged in an internet phone call of a call that is incoming over the telephone network.

Furthermore, as agreed in the interview, Norris also fails to disclose or suggest a telephone terminal including a "notification device for notifying through the telephone terminal of reception of an incoming call from the telephone line network," as also recited in independent claim 1 (emphasis added). Norris relates to a situation where the telephone connection can be occupied by Internet use and where "a call directed to the subscriber may be forwarded via the public switched network to a services platform, which, in turn, establishes a connection to the subscriber using the Internet, and then notifies the subscriber of the call waiting via the Internet." See Norris at col. 1, lines 41-47. Thus, Norris does not disclose or suggest that a notification device that notifies through the telephone terminal because any alleged notification in Norris is routed through the Internet.

Claim 3 recites a call system which includes a telephone terminal device that has a telephone call notification feature similar to that referred to in claim 1. Claim 8 recites a computer-readable medium having a terminal program which controls a telephone terminal to instigate a telephone call notification process, having similar features to those recited in claim 1. Thus, for at least these reasons, claims 1, 3 and 8 are patentable over the applied references.

Claim 2 depends from claim 1, and therefore is patentable over the applied references for at least the reasons enumerated above as well as for the additional features it recites. In this regard, the deficiencies of Norris discussed above are underscored by the subject matter of claim 2, which recites that the telephone call notification device "makes audio output from the transmitter/receiver indicating that an incoming call has been received from the telephone line network." The portion of Norris cited in the Office Action with respect to claim 2 in no

way indicates that the notification is an audio output. See, e.g., col. 6, lines 29-36, which may well be indicative of text type messages. In any event, Norris fails to disclose or suggest that the notification is output through the telephone transmitter/receiver, as recited in claim 2.

Because Norris teaches to send the call notification over the Internet, the portion cited in the Office Action appears to refer to messages which are transmitted onto a user's screen at an Internet terminal. Claim 6 recites features similar to those in claim 2. Thus, for at least these reasons, claims 2 and 6 are patentable over the applied references.

The combination of Kimball and Norris also fail to teach or suggest the subject matter of independent claim 5. Claim 5 is directed to a call system which includes an Internet terminal and a telephone terminal, where the Internet terminal includes "an Internet terminal side control output path for outputting control signals to the telephone terminal through the control transmission path." The Office Action does not point to any disclosure in the applied references that describe an Internet terminal having a control path for outputting control signals to the telephone terminal. In this regard, Kimball which was cited in the Office Action for its alleged disclosure of an Internet terminal, relates to a cellular network which appears to send calls from a cell phone 26 to a base station 31, where base station 31 can send information to either telephone network 84 or Internet 100. See, e.g., Kimball at Fig. 1. While this configuration appears to contemplate the transmission of audio signals between cell phone 26 and base station 31, it in no way suggests that the base station (or any other alleged Internet terminal) transmits any sort of control signal to the telephone terminal.

Claim 5 additionally recites that the Internet terminal includes a notification signal output device which sends a notification signal as a control signal to the telephone terminal, "notifying an enabled voice call by the Internet call function," and a telephone terminal including "an Internet call notification device for notifying through the telephone terminal of an enabled voice call by the Internet call function." As discussed above, Norris does not

disclose a notification signal which is sent to the telephone terminal. Additionally, Norris does not describe any notification signal to alert a user of an enabled Internet call, or of a notification device that notifies through the telephone terminal. As discussed above, Norris describes only a situation where a user is connected to the Internet and is notified of an incoming telephone call, and does not appear to be applicable to a situation where a user is notified of incoming Internet voice call, as embodied in claim 5. This situation may occur, for example, when a user is occupying the telephone transmitter/receiver by having a voice call over the telephone network. Claim 7 similarly recites an Internet terminal which includes a notification signal output device for "notifying through the telephone terminal an enabled voice call by the Internet call function." Thus, for at least these reasons, claims 5 and 7 are patentable over the applied references.

Claim 9 recites a computer-readable medium having a computer program for controlling the telephone terminal which includes an Internet call notification process to identify a control signal when the "audio signals have been switched to the telephone line network in the switching process." As discussed above, the applied references do not disclose a program instructing the telephone terminal to notify when an Internet call is received. Similarly, claim 10 recites a computer readable medium for controlling an Internet terminal to output a notification signal as a control signal "for notifying an enabled voice call by the Internet call function through a control transmission path for transmitting control signals to a telephone terminal when the voice call is enabled." As discussed above, these features are not taught or suggested by the applied references. Thus, for at least these reasons claims 9 and 10 are patentable over the combination of Kimball and Norris.

Withdrawal of the rejection is thus respectfully requested.

**IV. Conclusion**

In view of at least the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:  
Petition for Extension of Time

Date: October 1, 2007

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